

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**REAGAN NATIONAL ADVERTISING
OF AUSTIN INC.,
Plaintiff,**

v.

**CITY OF AUSTIN,
Defendant.**

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CIVIL ACTION NO. 1:17-CV-00673-LY

JOINT RULE 26(f) CONFERENCE REPORT

The parties conferred as required by Rule 26(f) of the Federal Rules of Civil Procedure and submit this joint report outlining the discovery control plan of the items required by Rule 26(f)(3).

A. What changes should be made in the timing, form or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made.

No changes were requested by either party. The parties agree to make initial disclosures by December 1, 2017.

B. The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

Discovery may be needed on at least the following: (1) Reagan's and Lamar's applications with the City for permits for outdoor signs; (2) the City's responses to Reagan's and Lamar's applications; (3) the language of Chapter 25-10 of the City Code that was in effect at the time of Reagan's and Lamar's applications; (4) the manner in which the City enforced the provisions of Chapter 25-10 of the City Code; and (5) the City's internal communications (to the extent that they are not privileged) regarding the potential unconstitutionality of the language of

Chapter 25-10 that was in effect at the time of Reagan's and Lamar's applications or any need for amendment to Chapter 25-10 since June of 2015.

The parties agree that discovery should be completed by the date identified in the scheduling order agreed to by the parties. The parties do not see a need for discovery to be conducted in phases or be limited to particular issues. To the extent that attorneys' fees may be appropriate, the parties agree to submit that information by affidavit after the trial of this cause.

C. Any issues about disclosure of discovery or electronically stored information, including the form or forms in which it should be produced.

The parties have agreed that electronically stored information may be provided in paper or PDF form, as the parties do not anticipate an extensive volume of documents in this case. The parties agree to revisit this issue if an issue arises that implicates a large volume of documents.

D. Any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order.

The parties do not have issues about claims or privilege or protection as trial-preparation materials. The parties agree that privileges may be asserted after production but are not asking the Court to include their agreement in an order at this time. The parties will comply with Rule 26(b)(5) with respect to claims of privilege.

E. What changes should be made to the limitations on discovery imposed under these or by local rule, and what other limitations should be imposed.

The parties are not requesting any changes to be made or limitations to be imposed different from what is specified in the Federal Rules of Civil Procedure and the Local Rules of the Western District of Texas.

F. Any other orders the Court should issue under Rule 26(c) or under Rule 16(b) and (c).

At this time, the parties are not requesting that the Court issue particular orders under Rule 26(c) or Rule 16(b) and (c). The parties may in the future request entry of a protective order and do not anticipate needing changes to the standard Western District order. The parties simultaneously submit a proposed scheduling order for the Court's consideration under Rule 16 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on October 26, 2017, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send this document to the following CM/ECF participants:

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